REMARKS

This Amendment is in response to the Examiner's comments set forth in the Office Action of December 24, 2009. Claims 1, 3, 7, 17, 20, 23, and 24 have been amended. Claims 25-30 are new. Claims 1, 3, 5, 7, 11, 12-21 and 23-30 are currently pending in this application. Claims 2, 4, 6, 8-10, 19 and 22 are cancelled.

Reconsideration is respectfully requested in light of the comments and amendments herein.

The Office Action

Claims 2 and 23 are objected to because of minor informalities.

Claims 23 and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,586,882 B1 to Harbers (hereinafter "Harbers").

Claims 1, 2, 14, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers in view of U.S. Patent Application Pub. No. US2003/0076051 A1 to Bowman et al. (hereinafter "Bowman")

Claims 3, 6, 7, and 9-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers and Bowman and further in view of U.S. Patent No. 5,758,951 A to Haitz (hereinafter "Haitz").

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers, Bowman, and Haitz and further in view of U.S. Patent No. 6,102,559 A to Nold et al. (hereinafter "Nold").

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers, Bowman, and Haitz and further in view of U.S. 6,758,582 A to Hsiao et al. (hereinafter "Hsiao").

Claims 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers and Bowman and further in view of U.S. Patent Application Pub. No. US2003//1056416 A1 to Stopa (hereinafter "Stopa").

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers and Bowman and further in view of U.S. Patent Application Pub. No. US2004/0105262 A1 to Tseng et al. (hereinafter "Tseng").

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers and

Bowman and further in view of U.S. Patent No. 7,182,597 to Gill et al. (hereinafter "Gill").

Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers in view of Bowman and further in view of U.S. Patent No. 5,984,496 A to Malcomson (hereinafter "Malcomson").

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbers and Bowman and further in view of U.S. Patent No. 6,356,700 B1 to Strobl (hereinafter "Strobl").

§112 Rejections

Claims 2 and 23 are rejected for informalities. Claim 2 has been cancelled. The Examiner asserts that the language of claim 23 is unclear because it is not certain whether or not the platform mates with the base module or if it can be adapted to mate with the base module. Claim 23 has been amended to recite that the platform mates with the base module. As such, the rejection should be withdrawn.

The Claims Distinguish Patentably Over the Cited References

The Examiner submits that Harbers discloses a modular adaptable LED lighting system as claimed in the present invention, comprising a base; at one platform that mates with the base portion, at least one LED disposed on the platform; an enclosure that surrounds a light generating area; a heat sink for conducting thermal energy away from the at least one LED; and a luminescent material adjacent to the at least one LED, being on or in the enclosure. Applicants respectfully traverse.

As amended, independent claims 1 and 23 further include a wavelength converting material, that is one of disposed on the enclosure and/or within the material of the enclosure, that receives light of a first wavelength generated by the light engine and converts at least a portion of said light of a first wavelength to light of a second wavelength. In contrast, Harbers teaches only that the luminescent material is coated on the body, which is a filament-like structure located within the area surrounded by the enclosure. (See col. 3, lines 58-60). Harbers fails to teach or even fairly suggest any placement of the luminescent material other than on the body.

The Examiner recognizes that Harbers fails to disclose conversion circuits for supplying electric power to the light engine; however asserts that Bowman teaches an LED module including a conversion circuit for supplying electric power to the light engine. According to the

Examiner, it would have been obvious to one of ordinary skill in the art to have provided a conversion circuit in the invention of Harbers as taught by Bowman et al. for the purpose of providing the desired voltage to the LEDs. Applicant respectfully asserts that the Examiner's proposed combination of the invention of Harbers with the conversion circuit of Bowman is improper. Specifically, Bowman is concerned with providing LED modules for retrofitting existing incandescent flashlight products and a circuitry design that controls the LEDs to maintain a steady and constant level of illumination.

Applicant respectfully submits that when faced with the problem posed in the subject application, namely providing an LED light source in a traditional bulb light package, one skilled in the art would not look to the teachings of Bowman, which is concerned with specific issues of flashlights. The flashlights of Bowman are battery powered, thus unlike the subject application, the power supply of Bowman is strictly DC current rather than AC current requiring conversion to DC. According to MPEP 2141.019(a), to be considered analogous art, "the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Examiner was concerned." Applicant respectfully asserts that Bowman fails to qualify under either requirement.

Moreover, with respect to claim 18, the Examiner asserts that although Harbers and Bowman fail to teach or suggest the conversion circuit comprising an AC and DC converter, Tseng teaches a light engine comprising an AC to DC converter. Applicant respectfully asserts that the Examiner's proposed combination of Bowman and Tseng is improper. The Examiner cited Bowman as teaching a conversion circuit; however, such a conversion circuit to derive voltage higher than a battery. As stated above, Bowman uses only batteries as a power supply, and therefore one skilled in the art would not combine the teachings of Bowman and Tseng, since the battery power of Bowman already runs on DC current, thus no conversion from AC to DC would be necessary.

With specific regard to claims 13 and 23, Applicant respectfully submits that Harbers fails to teach or suggest one of an index matching material and a lensing material encompassing the at least one LED. According to the Examiner, such an index matching material/lensing material is found in envelope 5; however, envelope 5 was also asserted by the Examiner as "teaching" the claimed enclosure. Applicant asserts that the envelope of Harbers cannot teach to both the claimed enclosure and index matching material/lensing material, since the features are

two separate elements in the claimed light source. (See Fig. 1, reference numbers 22 and 28).

Finally, new claims 26 and 27 recite that the base further includes an active cooling device, such as thermoelectric cooling, piezo synthetic jets, qu-pipes, heat pipes, piezo fans and electric fans. Applicants respectfully submit that none of the references of record teach of such a cooling device.

Accordingly, Applicant respectfully submits that independent claims 1 and 23 (along with claims 3, 5, 7, 11, 12-21 and 24-30 that respectively depend therefrom) patentably distinguish over the references of record. Withdrawal of the rejection is respectfully requested.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	**22**	**- 22 =**	**0**
INDEPENDENT CLAIMS	**2**	**- 3 =**	**0**

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 06-0308.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call the undersigned, at Telephone Number (216) 363-9000.

Respectfully submitted,

Fay Sharpe LLP

March 24, 2010
Date

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CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being ☐ deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. ☒ transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.	
Express Mail Label No.:	Signature: Barbara Brazier
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